

Message Text

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PAGE 01 MANILA 03644 301230 Z

53

ACTION EA-14

INFO OCT-01 ADP-00 PM-09 L-03 CIAE-00 INR-10 NSAE-00

RSC-01 RSR-01 /039 W

----- 063774

R 301016 Z MAR 73

FM AMEMBASSY MANILA

TO CSAF (JACI)

INFO SECSTATE WASHDC 4132

CINCPAC

CINCPACAF

CINCPACREPPHIL

13 TH AF

405 CSG

C O N F I D E N T I A L MANILA 3644

E. O. 1 1652: GDS

TAGS: MARR, RP

SUBJECT: HORNE CASE

REF: CSAF 291727 Z MAR 73

1. REFERENCE PARA FIVE REFTEL. SUBJECT OF PARDON WAS EXTENSIVELY DISCUSSED WITH SOLICITOR GENERAL AT SAME TIME THAT EMBASSY APPROACHED HIM ON ISSUES RAISED BY HORNE' S APPEAL. HE READILY AGREED PARDON WAS POSSIBLE BUT SUCH COULD NOT EVEN BE ENTERTAINED WHILE APPEAL IS PENDING. IF HORNE WISHED TO WITHDRAW APPEAL AND THEN REQUEST PARDON, IT WOULD BE CONSIDERED. IT IS OUR UNDERSTANDING THAT QUESTION OF PARDON HAD BEEN PREVIOUSLY DISCUSSED WITH HORNE BUT HE WAS ADAMANT THAT HE WAS INNOCENT AND DECIDED TO PURSUE APPELATE PROCEDURE. THEREFORE, UNLESS HORNE CHANGES HIS MIND, PARDON IS NOT POSSIBLE UNTIL DECISION ON APPEAL IS RENDERED.

3. EMBASSY AGREES THAT WE SHOULD NOT RELY ON NEW CONSTITUTION PROVISION TO MOOT 1965 AMENDMENT ISSUE. RECENT INFO INDICATES THAT PHIL SUPREME COURT MAY BE HAVING SOME DIFFICULTY IN AFFIRMING VALIDITY OF METHOD
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PAGE 02 MANILA 03644 301230 Z

IN WHICH NEW CONSTITUTION WAS ADOPTED AND IT MAY BE MANY
MONTHS BEFORE THIS ISSUE IS CLARIFIED. THEREFORE, IN
LIEU OF A DIFFERENT DECISION BY HORNE, THE ONLY PRESENT
COURSE IS TO PRESS FOR EARLY DECISION BY COURT.
BYROADE

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*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

Message Attributes

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Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
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Disposition History: n/a
Disposition Reason:
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